

## Message Text

LIMITED OFFICIAL USE POSS DUPE

PAGE 01 STATE 267138

10

ORIGIN L-02

INFO OCT-01 ISO-00 EUR-12 EA-06 JUSE-00 SS-15 RSC-01 /037 R

DRAFTED BY L/M:JABOYD:EJS

APPROVED BY L/M:KEMALMBORG

EUR/EE: D. N. MILLER

----- 094891

R 051939Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW

LIMITED OFFICIAL USE STATE 267138

E.O. 11652: N/A

TAGS: PL, AMGT

SUBJECT: M/S JOSEF CONRAD LAW SUIT

1. USG HAS BEEN SUED IN ANOTHER CASE DEALING WITH THE DEATH AND INJURY OF SEAMEN ABOARD THE M/S JOSEF CONRAD WHICH WAS DAMAGED DURING A U.S. BOMBING ATTACK ON THE NORTH VIETNAMESE PORT OF HAIPHONG ON DECEMBER 20, 1972. THE U.S. COURT PROCEDURE FOR SUCH A CLAIM INCLUDES A PROOF BY THE CLAIMING SEAMEN THAT THE COURTS OF THEIR COUNTRY WOULD PERMIT A LIKE SUIT IF THE FACTS WERE REVERSED. SPECIFICALLY, TITLE 28 OF THE U.S. CODE AT SECTION 2502(A) PROVIDES AS FOLLOWS: "CITIZENS OR SUBJECT OF ANY FOREIGN GOVERNMENT WHICH ACCORDS TO CITIZENS OF THE UNITED STATES THE RIGHT TO PROSECUTE CLAIMS AGAINST THEIR GOVERNMENT IN ITS COURTS MAY SUE THE UNITED STATES IN THE COURT OF CLAIMS IF THE SUBJECT MATTER OF THE SUIT IS OTHERWISE WITHIN SUCH COURT'S JURISDICTION."

2. DEPT REQUESTS EMBASSY TO APPROACH APPROPRIATE GOP OFFICIAL OR REPUTABLE LOCAL LAWYER TO ASCERTAIN IF A U.S. CITIZEN COULD BRING A CLAIM AGAINST THE GOP IN THE COURTS OF THE GOP. IF A U.S. CITIZEN COULD NOT BRING SUCH A CLAIM, OBTAIN CITATION OF RELEVANT STATUTE OR CASE FOR USE  
LIMITED OFFICIAL USE  
LIMITED OFFICIAL USE

PAGE 02 STATE 267138

BY JUSTICE IN THIS TRIAL. ANSWER REQUESTED BY DECEMBER 11, 1974. NO FUNDS ARE AVAILABLE TO PERMIT EMBASSY TO RETAIN

LAWYER TO ANSWER THIS INQUIRY. KISSINGER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** izenbei0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE267138  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JABOYD:EJS  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740354-0123  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741257/aaaabwqw.tel  
**Line Count:** 62  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 30 MAY 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <30 MAY 2002 by boyleja>; APPROVED <20 MAR 2003 by izenbei0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** M/S JOSEF CONRAD LAW SUIT  
**TAGS:** AMGT, PL  
**To:** WARSAW  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005